

Because Daniels does not challenge the sufficiency of the evidence, only a brief recitation of the facts is necessary. On March 18, 2005, Daniels and Andrea Sharp returned a box purporting to contain a Sony camcorder to a Wal-Mart store in Bentonville and obtained a cash refund of \$697.47. Less than four hours after Daniels and Sharp left the store, it was discovered that the box actually contained a Quasar camcorder. Daniels was later arrested and charged with theft of property.

At Daniels's trial, the court permitted the State to introduce into evidence the Sony camcorder box, the Quasar camcorder, and an unsigned copy of the refund receipt. Daniels objected to the introduction of all three items, and now argues that the trial court abused its discretion when it admitted those items into evidence. We will not reverse a trial court's ruling on the admission of evidence absent an abuse of discretion nor will we reverse absent a showing of prejudice. *McClellan v. State*, 81 Ark. App. 361, 101 S.W.3d 864 (2003).

Daniels first argues that the trial court violated Arkansas Rules of Evidence 901 and 403 when it admitted the Sony camcorder box and Quasar camcorder into evidence. Daniels failed to raise a Rule 403 objection below; therefore, that portion of his argument is not preserved. *See Miller v. State*, ___ Ark. App. ___, ___ S.W.3d ___ (Jan. 31, 2007). Pursuant to Rule 901 of the Arkansas Rules of Evidence, authentication or identification of an item is a condition precedent to its admissibility. *See Ark. R. Evid. 901*. The requirements of authentication or identification are satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims. *Id.* One of the ways that this may be accomplished is by the testimony of a witness with knowledge that a matter is what it is claimed to be. *Id.* The requirement of authenticity is separate from the requirement that a hearsay document must satisfy an applicable hearsay exception for admissibility. *Metzger v. Rodgers*, 83 Ark. App. 354, 128 S.W.3d 5 (2003). The requirements of authentication and identification under Rule 901 are satisfied when the trial judge in his discretion is satisfied that the physical evidence presented is genuine and in reasonable probability has not been tampered with. *Davis v. State*, 350 Ark. 22, 86 S.W.3d 872 (2002).

At trial, Andrea Sharp testified that the camcorder box at issue looked like the box she and Daniels took to Wal-Mart. She also testified that the Quasar camcorder looked like the one that belonged to Daniels. Bryce Beeson, a Wal-Mart associate, also testified that the camcorder box was similar to the one depicted in the video shown during the trial. He explained that the three different pink stickers on the camcorder box meant that the box had been through two or three different stores. Based on this evidence, we cannot say that the trial court abused its discretion in admitting the camcorder and camcorder box into evidence. Daniels has also failed to demonstrate that he was prejudiced by the introduction into evidence of the camcorder and camcorder box. Therefore, we affirm this point.

Daniels also argues that the trial court abused its discretion when it admitted into evidence the unsigned copy of the refund receipt, instead of the original receipt, over Daniels's best-evidence objection. He specifically argues that because the copy of the receipt was not made at or near the time of the transaction, there is a question as to the copy's authenticity.

Rule 1002 of the Arkansas Rules of Evidence provides that the original writing is required when proving the contents of a writing. A copy of the original writing, however, is admissible to the same extent as the original if there are no questions as to the duplicate's authenticity. *See* Ark. R. Evid. 1003. With regard to business records, Rule 803 (6) of the Arkansas Rules of Evidence specifically provides an exception to the hearsay rule. A business record is excepted from the hearsay rule when it is: (1) a record or other

compilation, (2) of acts or events, (3) made at or near the time the act or event occurred, (4) by a person with knowledge, or from information transmitted by a person with knowledge, (5) kept in the course of regularly conducted business, (6) which has a regular practice of recording such information, (7) all as known by the testimony of the custodian or other qualified witness. *McClellan, supra*.

At Daniels's trial, Smokey Ruppert, a Wal-Mart employee, explained that the unsigned refund receipt at issue was created at the time of the transaction and was stored in the Wal-Mart computer system, which maintains a copy of the receipt indefinitely on its hard drive. She further explained that she can put in the date of the transaction that she wants and that the computer will retrieve all the business for that date. Ms. Ruppert testified that the unsigned copy of the refund receipt at issue was retrieved from the computer-hard drive one week before Daniels's trial.

Although Daniels argues that the receipt was not trustworthy because it was generated one week prior to trial, this argument is somewhat misguided. Here, the copy of the refund receipt was actually generated contemporaneously with the creation of the original receipt. Once generated, the copy was stored on the hard drive of Wal-Mart's computer. Although the copy was retrieved from the hard drive one week before trial, the copy was prepared contemporaneously with the transaction and there are no questions as to the copy's authenticity. We therefore affirm the trial court's admission of the refund receipt.

Affirmed.

GLOVER, J., agrees.

PITTMAN, C.J., concurs.

